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**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Laurence R. Letson

Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Thomas E. Walker

Serial No. 10/713,987

Filed: 11/14/2003

Date: 6/22/05

Art Unit: 3724

Examiner: P. H. Nguyen

Title: LASER ILLUMINATOR FOR INDICATING A SAW KERF AND KERF  
LOCATION ON A POWER SAW

Commissioner For Patents  
POB 1450  
Alexandria, VA 22313

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT  
OR IN THE ALTERNATIVE  
PETITION TO REVIVE AN APPLICATION ABANDONED  
UNAVOIDABLY  
OR IN THE ALTERNATIVE  
PETITION TO REVIVE AN APPLICATION ABANDONED  
UNINTENTIONALLY

Dear Sir:

Applicant petitions for the withdrawal of a holding of abandonment of the above identified application.

Alternatively, Applicant petitions for the revival of the unavoidably abandoned patent application of the above identified application.

Alternatively, Applicant petitions for the revival of the unintentionally abandoned patent application of the above identified application.

The application identified above was filed on November 14, 2003. The application then awaited action thereon by the Examiner. An Official Office Action was mailed to Applicant's Attorney

on July 2, 2004.

This Official Office Action was not received by Applicant's Attorney.

A Notice of Abandonment was issued by the Examiner on March 25, 2005 and received by Applicants Attorney on April 12, 2005 after being forwarded to Applicants Attorney in South Carolina where he was staying at the time.

A copy of the Notice of Abandonment resulted in a series of telephone calls to Examiner to determine what the status of the application was. Applicant's Attorney discussed the matter with the Examiner and explained that any response would have to be delayed until my return to Lexington, Kentucky where the file was.

No one had access to the application file other than Mrs. Dianne Letson, my wife and myself and neither of us were in Lexington, Ky. at the time

Upon my return to Lexington, Ky. on June 9, 2005, I accessed the application file and reviewed it to confirm that no Official Office Action had been received in 2004 or 2005. The file did not contain any correspondence between the United States Patent and Trademark Office Examiner and the Applicant's Attorney since the application was filed on November 14, 2003.

The client was advised of this situation during a phone call in April 2005.

A search of the files of Applicant's Attorney and particularly the docket file for this application fails to reveal the receipt of the Official Office Action.

A copy of the Official Office Action was secured as a result of a telephone call to the Examiner. who faxed the copy of the Official Office Action to me while I was in South Carolina. I explained to the Examiner that a complete response was necessary when submitting a petition.

I returned to Lexington, Ky., on the ninth of June, 2005.

At that time I set about preparing a response to the Official Office Action and this Petition.

On the twelfth of June, 2005 I ordered the references cited in the Official Office Action and requested that the cited copies of patents be provided to me and ordered copies were requested to be faxed to my facsimile machine and was informed by document services that the patents would be faxed to me within 3 working days. The materials did not completely arrive until June 21, 2005.

Therefore the response to the Official Office Action has been submitted diligently and without undue delay after my return to Lexington, KY.

Applicant requests that the holding of abandonment be withdrawn and the Amendment submitted herewith be entered and acted upon by the Examiner.

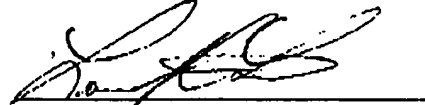
If the decision on the Petition to withdraw the holding of abandonment, is that the holding of abandonment will not be withdrawn, Applicant respectfully requests that this petition be considered to be a Petition to Revive An Abandonment of an Application, abandoned unavoidably.

If the decision in the prior two requests is not to be withdrawn and that the abandonment of the application is not considered unavoidable, then please consider this a petition to revive the application which was abandoned unintentionally.

An authorization to charge my Deposit Account No. 12-1120 in connection with this Petition is attached.

**RESPECTFULLY SUBMITTED**

**Thomas E. Walker**



**Laurence R. Letson**

**Reg. No. 25,402**

**Attorney for Applicant**

**P.O. Box 910567**

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**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

The Commissioner for Patents is hereby authorized to charge the fee for the revival of an unavoidable abandonment of the above patent application in the amount of \$250.00 to Account No. 12-1120.

If the petition submitted on the same date is determined to be grantable only as a Petition for the Revival of an unintentionally abandonment of the application identified above, the Commissioner for Patents is hereby authorized to charge the fee for an unavoidable abandonment of the above patent application in the amount of \$750.00 to Account No. 12-1120.

**RESPECTFULLY SUBMITTED**

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01 FC:2452 250.00 DA

  
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